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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,895	10/30/2003	Marc S Carter	GB920020077US1	9228
35525	7590	09/21/2007		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER HO, BINH VAN	
			ART UNIT	PAPER NUMBER
			2163	
			MAIL DATE	DELIVERY MODE
			09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,895

Applicant(s)

CARTER ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the arguments presented in the Appeal Brief filed 06/08/2007, prosecution on the merits is reopened to address the issues raised in the Brief. The grounds of rejections in the prior Office actions are withdrawn, and new grounds of rejection are presented here. 37 CFR 1.193 (b)(2) applies:

Where prosecution is reopened by the primary examiner after an appeal or reply brief has been filed, appellant must exercise one of the following two options to avoid abandonment of the application:

- (i) File a reply under § 1.111, if the Office action is not final, or a reply under § 1.113, if the Office action is final; or
- (ii) Request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (§ § 1.130, 1.131 or 1.132) or other evidence are permitted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 14-22, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman (US 6,442,545).

(Claims 1, 16, 24, and 26)

Feldman discloses in figures 1-4, a method for managing data organisation for computer programs, the method including the steps of generating and storing a reference taxonomy, the reference taxonomy comprising information defining a data organisation; accessing storage associated with a computer program to obtain an application taxonomy, the application taxonomy comprising information defining the organisation of stored data items of the program (col. 11, lines 27-52); comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies (col. 10, lines 51-58); and in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy (col. 10, lines 59 +).

(Claims 2 and 3)

Feldman discloses wherein the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy includes generating a modified reference taxonomy which aggregates features of the compared reference taxonomy and features of the compared application taxonomy, wherein an identified matching feature of the compared reference and application taxonomies is represented as a single node in the modified reference taxonomy (col. 2, lines 45 +; col. 9, lines 63 +).

(Claims 3-5)

Feldman discloses in figures 1-4, wherein the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy includes generating a modified application taxonomy which includes features of the compared reference taxonomy (col. 8, lines 9-45; col. 10, lines 59 +).

(Claim 6)

Feldman discloses wherein the step of generating a reference taxonomy includes: accessing storage associated with a second computer program to obtain an application taxonomy for the second program (col. 8, lines 46-51).

(Claim 7)

Feldman discloses wherein a step of accessing storage to obtain an application taxonomy includes using an adapter which interfaces to the respective computer program to access information relating to the names of and relationships between stored data structures (col. 14, lines 18-27).

(Claims 8, 14-15, 18-21, 25)

Feldman discloses wherein the step of generating a reference taxonomy includes receiving user inputs via a graphical user interface; and interpreting user inputs to generate nodes representing data structures of a taxonomy and to generate information representing relationships between data structures (col. 2, lines 23-25; col. 9, lines 63-66; col. 10, lines 21-28).

(Claim 9)

Feldman discloses in figures 1-4, wherein the step of comparing includes comparing, using string matching, qualified node names for nodes of the reference taxonomy and nodes, corresponding to data structures, of the application taxonomy (col. 3, lines 1-3; col. 10, lines 51-58).

(Claims 10-12)

Feldman discloses wherein the step of comparing the reference taxonomy with the application taxonomy is repeated in response to a trigger condition (col. 2, lines 33-44).

(Claims 17, 22)

Feldman discloses including a plurality of adapters, wherein each adapter enables accessing of storage associated with a computer program of a respective type and obtaining the application taxonomy for the computer program of the respective type (col. 8, lines 46-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (U.S. 6,442,545) in view of Briscoe (U.S. 2006/0224683).

(Claim 13)

Feldman discloses substantially all of the elements, except the reference taxonomy is performed by a distributed publish/subscribe messaging system. Briscoe teaches publish-subscribe technologies more generally, allow users to create channels that relate to a subject . It would have been obvious to one having ordinary skill in the art at the time the invention was made to use publish-subscribe technologies, because it is easier for users to create channels that relate to subject.

(Claim 23)

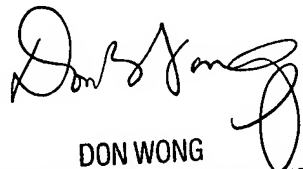
Briscoe discloses including a listener component for identifying receipt of reference taxonomy information and triggering the taxonomy manager to process such received taxonomy information (paragraph [0002]).

Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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